

# Notice of Allowability

Application No.

10/534,069

Examiner

Russell Frejd

Applicant(s)

IIMORI, YASUO

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received 24-September-2007.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Russell Frejd*  
**RUSSELL FREJD**  
**PRIMARY EXAMINER**

In re Application of: limori

***Allowance of Application # 10/534,069***

1. The following communication is in response to applicant's amendment received 24-September-2007. Claims 1-15 are pending in the application.

***Examiner's Amendment***

2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee. Authorization for this Examiner's Amendment was given by Mark Davis (Reg. No. 60,552) on 10-December-2007.

**2.1 In the Claims:**

- |          |              |   |
|----------|--------------|---|
| Claim 7  | line 2       | Change "life spans" to --life span--.   |
| Claim 13 | after line 3 | Add, on a new line --a computer connected to a storage device;--                |
|          | line 6       | Change "setting the plurality for wires" to --setting the plurality of wires--. |
| Claim 15 | line 3       | Change "the program causing" to --the program, when executed, causing--.        |

**2.2 In the Specification:**

- |        |         |   |
|--------|---------|---|
| Page 1 | line 21 | Change "grommet are arranged" to --grommet, and are arranged--. |
|--------|---------|---|

In re Application of: limori

### ***Reasons for Allowance***

3. The following is an Examiner's Statement of Reasons for the indication of allowable subject matter.

3.1 Claims 1-15 are allowed over the prior art of record. The present invention discloses a bending life predicting method of predicting bending life spans of a plurality of wires induced by vibration, with at least two points of each of the plurality of wires being constrained.

While these elements are individually disclosed in the prior art, the prior art of record does not meet the conditions as suggested in MPEP section 2132, namely:

"The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an ipsisimilis verbis test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)."

The improvement of the present invention comprises, in various embodiments, the elements of the invention as discussed in the reasons for allowance detailed in the non-final paper dated 25-June-2007. This patentable distinction is included in each of the independent claims, nos. 1, 7, 13 and 15.

Dependent claims 2-6, 8-12 and 14 are deemed allowable as depending either directly or indirectly from independent claims 1, 7, and 13.

3.2 The instant application is directed to a non-obvious improvement over the inventions described in USP 6,839,642, issued to Kawakita et al., which teaches a wire harness flexure life

**In re Application of: limori**

estimating method, and USP 6,439,059, issued to Inoue et al., which teaches a method for predicting the bending life of wires in a wiring harness.

**3.3** The art of record, either individually or in combination, fails to teach, suggest, or render obvious the specific arrangement of elements in the same combination as now required by the amended claims. In view of the foregoing, the claims of the present application are found to be patentable over the prior art.

### ***Response Guidelines***

**4.** Any comments considered necessary by applicant **MUST** be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should clearly be labeled "Comments on Statement of Reasons for Allowance".

**4.1 Any response to the Examiner in regard to this allowance should be**

**directed to:** Russell Frejd, telephone number (571) 272-3779, Monday-Friday from 0530 to 1400 ET, or the examiner's supervisor, Kamini Shah, telephone number (571) 272-2279. Inquires of a general nature or relating to the status of this application should be directed to the TC2100 Group Receptionist (571) 272-2100.

**mailed to:** Commissioner of Patents and Trademarks  
P.O. Box 1450, Alexandria, VA 22313-1450

**or faxed to:** (571) 273-8300

*Hand-delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.*

**Date:** 9-December-2007

/Russell Frejd/  
Primary Examiner AU 2128

**RUSSELL FREJD  
PRIMARY EXAMINER**